

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FREDERICK SCHRUBY,	:	
<i>Plaintiff,</i>	:	
	:	
v.	:	CIVIL ACTION NO. 19-CV-4206
	:	
SIANNI, <i>et al.</i> ,	:	
<i>Defendants.</i>	:	

**ORDER**

AND NOW, this 13th day of July, 2020, upon consideration of Plaintiff Frederick Schrubby's *pro se* Amended Complaint (ECF No. 7), it is **ORDERED** that:

1. The Clerk of Court shall **TERMINATE** the following Defendants from the docket, because they were not included as Defendants in the Amended Complaint: John Does eight through ten, Jane Doe Nurse two, Clayton, South, Reed, Burris, Prime Care Medical, Inc., Fulton, and Pirolli.

2. Schrubby's due process claim against Defendant Dittman are **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for the reasons stated in the Court's Memorandum. Schrubby's claims against Defendants Lagana and Crouthmel are **DISMISSED WITHOUT PREJUDICE**.

3. Schrubby will be permitted to proceed on the remaining claim in the Amended Complaint.

4. Schrubby may file a second amended complaint within thirty (30) days of the date of this Order. Any second amended complaint must identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the second amended complaint and shall state the basis for Schrubby's claims against each

defendant. The second amended complaint must also provide as much identifying information for the defendants as possible. Schrubby may refer to a defendant by last name only if that is the only identifying information possessed. If Schrubby wishes to name individuals for whom he does not have any identifying information, he may refer to those individuals as John Doe #1, John Doe #2, etc.<sup>1</sup> The second amended complaint shall be a complete document that does not rely on the initial Complaint or other papers filed in this case to state a claim. When drafting his second amended complaint, Schrubby should be mindful of the Court's reasons for dismissing the claims in his Amended Complaint as explained in the Court's Memorandum. Upon the filing of a second amended complaint, the Clerk shall not make service until so **ORDERED** by the Court.

5. The Clerk of Court is **DIRECTED** to send Schrubby a blank copy of the Court's form complaint for a prisoner filing a civil rights action bearing the above civil action number. Schrubby may use this form to file his second amended complaint if she chooses to do so.

6. If Schrubby does not wish to further amend his Amended Complaint and instead intends to stand on his Amended Complaint as originally pled, his Amended Complaint will be served on Defendants Sianni, Wambold, Balla, Brown, Knapp, Long, and Lagana only.

**BY THE COURT:**

/s/ Gerald J. Pappert  
**GERALD J. PAPPERT, J.**

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<sup>1</sup> Without the name of at least one individual or entity, however, the Court may be unable to direct service of any amended complaint that Arnold may file.